

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Thomas Argentieri
 Application No.: To Be Assigned Group Art No.: To Be Assigned
 Div. of Serial No. 10/114,148
 Filed: To Be Assigned Examiner: To Be Assigned
 For: Methods For Treating Hyperactive Gastric Motility
 Confirmation No.: To Be Assigned
 Customer Number: 25291

Commissioner for Patents
 MS PATENT APPLICATION
 PO Box 1450
 Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):
 Thomas M. Argentieri;
 For: Methods For Treating Hyperactive Gastric Motility.

1. This new application is for a:
 - ☒ Divisional
 - ☐ Continuation
 - ☐ Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 120)
 This new application being transmitted claims the benefit of prior U.S. application(s)
 Application No. 10/114,148, filed on April 2, 2002, which claims the benefit of
 Provisional Application Serial No. 60/281,471, filed April 4, 2001.

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
 - ☒ Pages of specification – 19 pages
 - ☐ Sequence Listing – pages on
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ Paper
 - ☒ Pages of claims – 3 pages
 - ☒ Page(s) of abstract – 1 pages
 - Sheets of drawing – pages
 - ☐ Formal
 - ☐ Informal

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV212533682US addressed to the Commissioner for Patents, MS PATENT APPLICATION, PO Box 1450, Alexandria, VA 22313-1450.

August 6, 2003
 Date

Paula L. Dickey
 Paula L. Dickey

4. Additional papers enclosed
- ☒ Information Disclosure Statement
 - ☒ Form PTO-1449
 - ☐ Citations
 - ☐ Statement of Biological Deposit
 - ☐ Computer Readable Form of Sequence Listing
 - ☐ Statement Under 37 CFR 1.821(f)
 - ☒ Application Data Sheet
 - ☒ Other: Communication
5. Declaration
- ☒ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
 - ☐ New declaration enclosed and executed by all inventor(s)
 - ☐ New declaration not enclosed or not executed by all inventor(s)
6. Assignment
- An assignment of the invention to:
- Wyeth
Five Giralda Farms
Madison, New Jersey 07940-0874
- ☒ was made in the prior application and recorded in PTO on April 2, 2002, Reel 012772, Frame 0579.
 - ☐ is attached under separate Recordation Form Cover Sheet.
 - ☐ will follow.
7. Incorporation By Reference
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. Amendments
- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)
 - ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)
9. General Authorization:
- During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$750.00
TOTAL CLAIMS	6	0	x \$ 18.00	0.00
INDEPENDENT CLAIMS	1	0	x \$ 84.00	0.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
		Total Filing Fee:		\$750.00

11. Fee payment being made at this time: \$750.00
12. Method of Payment of Fees:
Charge Deposit Account No. 01-1425 in the amount of \$750.00
A duplicate of this transmittal is attached.
13. Instructions as to Overpayment:
Credit any overpayment to Deposit Account No. 01-1425.
14. Authorization to Charge Additional Fees
- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:
- ☒ 37 CFR 1.16(a), (f), or (g) filing fees
- ☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims
- ☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
- ☒ 37 CFR 1.17 application processing fees
15. Relate Back (35 USC 120)
- ☐ Amend the Specification by inserting before the first line the sentence:
--This is a continuation of copending application(s) application number _____ filed
on _____ the entire disclosure of which is hereby incorporated by reference.--
16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed
- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)
- ☐ the same
- ☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application
- ☐ A petition, fee and response extends the term in the pending prior application until .
- ☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.
- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

18. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).

- ☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Kimberly R. Hild

Tel. No. (610) 902 2628

20. ☒ Return Receipt Postcard is attached.

Kimberly R. Hild
 Kimberly R. Hild
 August 6, 2003
 Reg. No. 39,224

Wyeth
 Patent Law Department
 Five Giralda Farms
 Madison, NJ 07940
 Tel. No. (610) 902 2628

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas Argentieri

Serial No. To be assigned
Div. of Serial No. 10/114,148

Examiner: To be assigned

Filed: To be assigned

Art Unit: To be assigned

Customer No.: 25291

Confirmation No: To be assigned

Title: METHODS FOR TREATING HYPERACTIVE GASTRIC
MOTILITY

CERTIFICATE OF MAILING 37 CFR §1.10

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August 6, 2003
Date

Paula L. Dickey
Paula L. Dickey

COMMUNICATION

Commissioner for Patents
MS PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a divisional of U.S. Application Serial No. 10/114,148 filed on April 2, 2002 (hereinafter referred to as "parent application"). Please consider the following remarks prior to examining the application.

Status of Claims

Claims 1 to 6 are pending.

Remarks

The specification has been amended relative to the parent application to update the cross-reference to related applications.

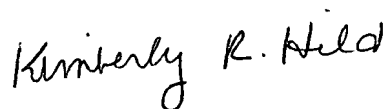
Claims 1 to 6 are new relative to the parent application and claim subject matter that was unexamined in the parent application (Claims 18 to 23) due to a restriction requirement. The claims are fully supported by the parent application.

No new matter is added by the amendments to the specification and new claims.

CONCLUSION

Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully submitted,

Handwritten signature of Kimberly R. Hild in cursive script.

Kimberly R. Hild
Registration No. 39,224

Date: August 6, 2003

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940-0874
Tel. No. (610) 902-2628